

Attorney's Docket No.: 008483.P001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
	)	
Dong-Hyun Kim, et al.	)	
	)	Examiner: Chen, Catheryne
Application No: 10/536,791	)	
	)	Art Unit: 1655
Filed: December 21, 2005	)	
	)	
For: GINSENG FERMENTED BY LACTIC	)	Confirmation No.: 4525
ACIDE BACTERIUM, YOGHURT	)	
CONTAING THE SAME, AND	)	
LACTIC ACID BACTERIA USED IN	)	
THE PREPARATION THEREOF	)	
(As Amended)	)	
	)	

\_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Lester J. Vincent, do hereby declare and say:

1. A deposit of Bifidobacterium KK-1 was deposited on March 22, 2002 with the Korean Cultural Center of Microorganisms and assigned Accession number KCCM-10364.
2. A copy of the International Form assigning Accession number KCCM-10364 is attached as Appendix A.

3. All restrictions imposed by the depositor on the on the availability to the public of Bifidobacterium KK-1, Accession number KCCM-10364 will be irrevocably removed upon the granting of a patent.

I, Lester J. Vincent hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under § 1001 of Title 18 of United States Code, and such willful or false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Date: September 29, 2009



Lester J. Vincent  
Reg. No. 31,460

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#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this document is being submitted via EPS-WEB  
on: September 29, 2009  
Assistant: /Carla Anysia Nascimento/  
Carla Anysia Nascimento

## **APPENDIX A**

International Form assigning Accession number KCCM-10364



BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To: Kim, Dong-Hyun  
College of Pharmacy, Kyung-Hee University,  
1 Hoeki-Dong, Dongdaemun-Ku,  
Seoul 130-701,  
KOREA

RECEIPT IN THE CASE OF AN ORIGINAL  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR : <i>Bifidobacterium</i> KK-1	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10364
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Mar. 22, 2002. (date of the original deposit)	
<b>IV. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name : Korean Culture Center of Microorganisms  Address : 361-221, Yurim B/D Hongje-1-dong, Seodaemun-gu SEOUL 127-041 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: Mar. 25, 2002

1 Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.